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TRANSFER TAX
SUFFOLK
COUNTY

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COMMON DRIVEWAY AGREEMENT

AGREEMENT DATED THIS 19th DAY OF JUNE, 1988

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BY AND AMONG

RANDALL G. DRAIN, residing at 250 West 24th Street, New York, New York, owner of Lot No. One in the subdivision known as Laurel Woods, filed August 9, 1982 as Map No. 7104, Suffolk County Tax Map Number 0900-13-1-72.2

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and

RANDALL G. DRAIN and BILLIE B. DRAIN, Randall G. Drain residing at 250 West 24th Street, #4EE, New York, New York 10011 and Billie B. Drain residing at 170 Warfield Way, Southampton, New York [illegible] owners of Lot No. Two in said subdivision known as Laurel Woods, Suffolk County Tax Map Number 0900-13-1-72.3

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and

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BARBARA SEIFERT, aka, BARBARA M. SEIFERT, residing at (no#) Arbutus Road, Southampton, New York, owner of Lot No. Three in said subdivision known as Laurel Woods, Suffolk County Tax Map Number 0900-13-1-72.4

and

RANDALL G. DRAIN AND BILLIE B. DRAIN, owners of Lot No. Four in said subdivision known as Laurel Woods, Suffolk County Tax Map Number 0900-13-1-72.5

and

RANDALL G. DRAIN, owner of Lot No. Five in said subdivision known as Laurel Woods, Suffolk County Tax Map Number 0900-13-1-72.6

and

BARBARA SEIFERT and GLENN SEIFERT, both residing at (no#) Arbutus Road, Southampton, New York , owners of Lot No. Two in the minor subdivision for Glenn A. Seifert, situate Noyack, Suffolk County Tax Map Number 0900-13-1-72.10 L 10087 P 341

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and

BARBARA SEIFERT, owner of Lot No. Three in said minor subdivision for Glenn A. Seifert, situate Noyack, Suffolk County Tax Map Number 0900-13-1-72.9

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WHEREAS,

The owners of said seven Lots wish to make use of a common driveway passing over Lots Three and Four of said subdivision known as Laurel Woods,

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and

WHEREAS,

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The parties wish to provide for the unobstructed use in common for ingress and egress of the right-of-way described herein below and in consideration of the mutual easements and covenants provided for herein, it is hereby,

AGREED:

1. Mutual Easements

That BARBARA SEIFERT, RANDALL G. DRAIN and BILLIE B. DRAIN reserve for themselves and grant to the other parties hereto, easements for ingress and egress, and for all other lawful purposes, without limitation, utility lines and easements, and in common with each other over the following described areas:

(a) Over a portion of Lot No. Three, subdivision known as Laurel Woods more particularly described on Schedule "A" annexed hereto; and

(b) Over a portion of Lot No. Four, subdivision known as Laurel Woods more particularly described on Schedule "B" annexed hereto.

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Clear Access

The owners of Lots No. Three and Four, Laurel Woods and each of the other parties shall not obstruct, impede or interfere with the use of such right of way by each of the other parties hereto, and their legal representatives, heirs, legatees, transferees, heirs or assigns.

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3. Use Limited to Parties Herein

The right of way shall be used only for the benefit of the present and future owners of the seven lots recited in this Agreement and their tenants, guests and invitees.

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4. Existing Driveway

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The existing driveway shall remain in its present location and the existing driveway for Lot No. Five, Laurel Woods, may remain in its present location.

5. Maximum Width

The surfaced area used by the common driveway shall not exceed fifteen feet in width. The parties shall minimize disturbance to the mature trees in the common driveway area.

6. Repair of Damage

Damage shall be promptly repaired by the owner who causes it, directly, or who causes it indirectly through his guests, agents, contractors, employees or licensees.

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7. Improvement of Parcels

The principal building to be constructed on Lots numbered Two and Three, minor subdivision for Glenn Seifert, situate Noyack, and on Lots numbered One and Two of the subdivision known as Laurel Woods shall be constructed with the front of such building facing south, toward the common driveway. No swimming pool or tennis court shall be permitted in the area between the south or front side of each building and the southern boundary of each lot. Any deed of conveyance of any of said four lots shall contain a covenant incorporating the foregoing condition.

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8. Term

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The agreement shall run with the land and shall remain in effect until terminated or modified by written agreement of owners at the time of such termination or modification of not less than two of the seven lots recited in this agreement.

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9. Binding Effect

This agreement shall be binding upon and shall insure to the benefit of, the parties hereto, their legal representatives, heirs, legatees, successors and assigns.

10. Counterparts

This agreement may be executed in couterparts.

IN WITNESS WHEREOF, the parties hereto have duly signed this agreement this 19th day of June, 1988.

RANDALL G. DRAIN

BARBARA SEIFERT, a/k/a BARBARA M. SEIFERT

BILLIE B. DRAIN

GLENN SEIFERT

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STATE OF NEW YORK)
COUNTY OF New York)

On the 17th day of June, 1988, before me personally appeared RANDALL G. DRAIN, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

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Diana Prieto
Notary Public
My commission expires:

DIANA PRIETO
NOTARY PUBLIC, State of New York
No 41-4042606
Qualified in Queens County
Certificate filed in New York County
Commission Expires Sept. 26, 1990

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STATE OF NEW YORK)
COUNTY OF New York)

On the 17th day of June, 1988, before me personally appeared BILLIE B. DRAIN to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

Diana Prieto
Notary Public
My commission expires

DIANA PRIETO
NOTARY PUBLIC, State of New York
No 41-4042606
Qualified in Queens County
Certificate filed in New York County
Commission Expires Sept. 26, 1990

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Not For Legal Use

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

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On the 11th day of September, 19[illegible], before me personally appeared BARBARA SEIFERT, aka, BARBARA M. SEIFERT, to me known and known to me to be the person described in and who executed the foregoing instrument and she acknowledged to me that she executed the same.

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Notary Public
My commission expires:

MARTIN R. GILMARTIN
NOTARY PUBLIC - STATE OF NEW YORK
NO. [illegible] SUFFOLK COUNTY
COMMISSION EXPIRES NOVEMBER 30, 19[illegible]

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STATE OF NEW YORK)
COUNTY OF SUFFOLK)

On the 11th day of September, 19[illegible] before me personally appeared GLENN SEIFERT, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

Notary Public
My commission expires:

MARTIN R. GILMARTIN
NOTARY PUBLIC - STATE OF NEW YORK
NO. [illegible] SUFFOLK COUNTY
COMMISSION EXPIRES NOVEMBER 30, 19[illegible]

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SCHEDULE A

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DRIVEWAY AGREEMENT

LOT NO. 1

BEGINNING at a point on the westerly side of Millstone Road, said point being the easterly corner of Lot No. 3, and at the southeasterly corner of Lot No. 2, Subdivision Map of LAUREL WOODS, situate at Noyack, Town of Southampton.

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RUNNING THENCE along said westerly side Millstone Road, south 4° 25' 20" East, 20.33 feet to the northerly boundary of Lot No. 4 of said Subdivision;

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THENCE along the northerly boundary of said Lot No. 4 and more, South 75° 14' 53" West, 712.40 feet to land now or formerly of Helen Frankhecht;

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THENCE along said last mentioned land, North 14° 24' 10" West, 20.78 feet to the southerly edge of the Minor Subdivision of GLENN A. SEIFERT.

THENCE along the southerly edge of said Subdivision and along the southerly edge of Lot No. 1 and Lot No. 2 of the Subdivision Map of LAUREL WOODS, North 75° 14' 53" West, 715.15 feet to the westerly edge of Millstone Road and the point or place of BEGINNING.

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SCHEDULE B "LAUREL WOODS" - Noyack

DRIVEWAY AGREEMENT

LOT NO. 4

BEGINNING at a point on the westerly side of Millstone Road, at the north-easterly corner of Lot No. 4, and at the southerly edge of Lot No. 3 of Subdivision Map of LAUREL WOODS, situate at Noyack, Town of Southampton.

RUNNING THENCE along said westerly side of Millstone Road, South 14° 39' 20" East, 20.32 feet to the northerly boundary of Lot No. 5 of said subdivision.

THENCE along the northerly boundary of said Lot No. 5 and more, South 75° 14' 53" West, 534.93 feet to the eastern boundary of Lot No. 1 of said Sub-division;

THENCE along the eastern boundary of said Lot No. 3, North 14° 24' 10" West, 20.77 feet, to the southerly boundary of said Lot No. 3;

THENCE along said southerly boundary of Lot No. 3, North 75° 14' 53" East, 538.39 feet to the westerly boundary of Millstone Road and the point or place of BEGINNING.

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Record & Return To:
Martin R. Gilmartin Esq.
P.O. Box 1281
200 Rogers Ben Road
Southampton, N.Y. 11969